

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NEW CLASS B BEER, WINE AND LIQUOR LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION OR DOWNGRADED WITHIN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.

(5) A NEW CLASS B LICENSED RESTAURANT MUST HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.

(6) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE BOARD MAY NOT TRANSFER OR ISSUE A LICENSE IF THE TRANSFER OR ISSUANCE WOULD RESULT IN:

1. THE LICENSED PREMISES BEING LOCATED WITHIN 300 FEET OF THE NEAREST POINT OF A CHURCH OR A SCHOOL; OR

2. THE LICENSED PREMISES BEING LOCATED CLOSER TO THE NEAREST POINT OF A CHURCH OR A SCHOOL THAN THE LICENSED PREMISES WAS ON JUNE 1, 2004.

(II) THIS PARAGRAPH DOES NOT APPLY TO A LICENSED RESTAURANT IN:

1. WARD 4, PRECINCT 1;

2. WARD 22, PRECINCT 1; OR

3. A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004.

(7) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES MAY NOT BE TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN, THE FOLLOWING AREAS:

1. WARD 1, PRECINCTS 2 AND 3;

2. WARD 2 IN ITS ENTIRETY;

3. WARD 3, PRECINCT 3; AND

4. WARD 26, PRECINCTS 3 AND 10.